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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,939	07/25/2003	Michael Robert Samuels	AD6900USNA	3671

23906 7590 07/27/2004

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EXAMINER

VAN, QUANG T

ART UNIT	PAPER NUMBER
3742	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/627,939	SAMUELS ET AL.
	Examiner Quang T Van	Art Unit 3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/17/03&7/2/03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Drawings

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings are required in reply to this Office Action.

Specification

2. The abstract of the disclosure is objected to because the legal phraseology such as "comprising" often used in patent claims should be avoided in the abstract. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In this case, claim 6 is objected to because it is depended on itself. Correction is required.

NOTE: For purpose of examination, it is presumed that claim 6 is depended on claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5, 7, 10-11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al (US 6,641,878). Suzuki discloses a holding container comprising a composition which comprises a mixture of a thermoplastic polymer (col. 8,

line 12) whose melting point and/or glass transition point is about 250⁰C or more (col. 8, line 15) or a thermoset polymer whose softening point is about 250⁰C or more, a heating effective amount of a microwave susceptor (col. 8, lines 16-24), provided that said composition has a thermal conductivity of about 0.70 W/m⁰K or more (col. 8, lines 56-57).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (US 6,641,878). Suzuki discloses substantially all features of the claimed invention including said composition having a thermal conductivity of about 0.70 W/m⁰K or more (col. 8, lines 56-57). Suzuki does not disclose a composition having a thermal conductivity of about 20 W/m⁰K. It would have been obvious to one having ordinary skill in the art to make a composition having a thermal conductivity of about 20 W/m⁰K. Doing so would suite for the use or their application.

8. Claims 1-5, 7, 9, 11-14, 18-20, 22, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tenzer (US 6,077,454) in view of Inoue et al (US 5,677,253). Tenzer discloses ferrite composition for use in microwave oven comprising a composition which comprises a mixture of a thermoplastic polymer (col. 5, line 54) whose melting point and/or glass transition point is about 250⁰C or more (col. 6, lines

34-49); it is inherent that a housing material such as silicon rubber (thermal plastic polymer) should have the temperature at least 450⁰C, a heating effective amount of a microwave susceptor (col. 5, line 52-57). However, Tenzer does not disclose a composition having a thermal conductivity of about 0.70 W/m⁰K or more. Inoue discloses a susceptor having a thermal conductivity of about 0.70 W/m⁰K or more a thermal conductivity of about 150W/m⁰K or more. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Tenzer a composition having a thermal conductivity of about 0.70 W/m⁰K or more as taught by Inoue. Since the material has more thermal conductivity would provide a better microwave absorber. With regard to claims 3-4, and 13-14, a top which comprises said composition. It would have been obvious to one having ordinary skill in the art to make a cover (top) having absorbing composition. Doing so would provide to cook to browning and crisping from the top of the food . With regard to claim 26, it would have been obvious to one having ordinary skill in the art to cook pizza on the dish made by the absorber microwave composition. Doing so would cook to browning and crisping the pizza.

9. Claims 10, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tenzer (US 6,077,454) in view of Inoue et al (US 5,677,253) and further in view of Tighe et al (US 4,959,516). Tenzer/Inoue disclose substantially all features of the claimed invention except said susceptor having graphite. Tighe discloses a susceptor having graphite (col. 2, lines 24-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Tenzer/ Inoue a susceptor

having graphite as taught by Tighe in order to provide a susceptor having an energy absorbing layer.

10. Claims 6, 8, 15-16, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tenzer (US 6,077,454) in view of Inoue et al (US 5,677,253) and further in view of Suokas et al (US 6,146,764). Tenzer/Inoue disclose substantially all features of the claimed invention except said thermoplastic polymer being a liquid crystalline polymer. Suokas discloses a thermoplastic polymer being a liquid crystalline polymer (col. 1, lines 57-60 or abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Tenzer/Inoue a thermoplastic polymer being a liquid crystalline polymer as taught by Suokas in order to provide a barrier to the transport gases and moisture through the laminate.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Nakamichi (US 5,028,461) discloses an injection molded container for food.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QTV
QV
July 21, 2004

Quang Van
Quang T Van
Primary Examiner
Art Unit 3742